



The League of Michigan Bicyclists

jlindenmayer@lmb.org • 888-642-4537

416 South Cedar Street - Suite A, Lansing, MI 48912

Fax: 517-334-9100 • www.LMB.org

Thank you Madam Chair for the opportunity to speak in support of HB 4958, 4959 and 4960. As cyclists themselves, I want to also thank both Representatives Leland and Knollenberg for sponsoring this legislation. Representatives Giess and Nerat, your support as cosponsors is also appreciated.

I am here today representing the League of Michigan Bicyclists membership and the thousands of affiliate members associated with the hundreds of Michigan bicycle clubs, shops and organizations across the state. In total we estimate there to be at least two million bicyclists in Michigan.

This committee demonstrated great leadership this summer by unanimously passing Complete Streets legislation to insure that future road projects provide safe accommodations for all roadway users. Infrastructure, however, only takes us so far and we see these complementary bills as the next step in enhancing the safety of bicyclists on Michigan roads.

I am pleased to report that since our first hearing on this vulnerable user legislation, numerous states have adopted similar laws, including Delaware and New York in just the past couple months.

The penalties in these bills are consistent with those established by Public Act No. 103 of 2001 for drivers who injure or kill farm-vehicle operators. Michigan has more cyclists on our roads more often than we do farmers driving tractors. And there is certainly a strong argument that bicyclists and pedestrian are more “vulnerable” than a farmer driving a tractor.

Bicyclists always lose in an accident involving automobiles. And according to the OHSP, last year alone, 2027 bicyclists were involved in accidents with 21 being fatal. 2201 pedestrians were involved in accidents with 140 being fatal.

These accidents between motorists and pedestrians or cyclists, are typically not “minor collisions,” even though they would have been had they occurred between two motorists. Minor crashes caused by simple negligence typically result in a fender bender when two cars collide. But when that same encounter is between a driver and a cyclist the crash typically results in bodily injury, or even death, for the cyclist.

It usually takes a more serious degree of negligence such as drunk driving or excessive speeding for a driver to injure or kill another driver. And when that happens, prosecutors can use that more serious degree of negligence to bring the offender to justice. But when the offending driver has been merely inattentive — “I didn’t see him” is the most common excuse drivers make after hitting a cyclist — or has otherwise failed to exercise due care, the choice made by police and prosecutors is often to do nothing, or to charge the driver with a minor offense that does not reflect the harm the driver actually caused.



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And because often these drivers have not exhibited the degree of recklessness, gross negligence, or criminal negligence usually necessary for a conviction on more serious charges, we see drivers who kill being cited for things like “unsafe passing” instead of vehicular homicide. Worse yet, we sometimes even see drivers being let off entirely with police failing to file any charges against drivers or even inappropriately shifting the blame onto the cyclist.

Nobody wants to treat an accidental injury or death resulting from carelessness exactly the same as we treat an injury or death resulting from egregious behavior like drunk driving; that would be unjust. But it is also unjust to treat these injuries and deaths exactly the same as we treat a minor traffic violation: Justice lies between these two extremes.

By filling in the missing pieces, we send the right signals to drivers about what is expected of them while operating potentially lethal machinery. In fact in the Netherlands, drivers who collide with cyclists are actually presumed by law to be at fault; in contrast, in the United States, injured cyclists typically must prove that the driver who hit them is at fault.

When cyclists are injured or killed, and the charges do not reflect the harm done—or worse, when there are no charges at all—our “system of justice” results in a failure of justice.

While the vulnerable user bills fill the gaps in our legal system, the driver’s education bill is intended help fend off accidents before they even happen by providing drivers the proper education about safely coexisting with bicyclists.

The Secretary of State may tell you that they already teach motorists about how to share the road, but bicyclists across the state are steadfast that more needs to be done. I have submitted an inspiring example of Utah’s driver’s education bicycle safety curriculum, which is far more robust than Michigan’s.

A common occurrence for cyclists is to have angry drivers yell “Get Off the Road” as they pass dangerously close. Where this sense of entitlement comes from, I do not know, but by informing drivers at a young age about the rights and rules of cyclists, it would nurture better relationships between the two, diminish road rage situations and improve safety.

With 24 hours of in-class instruction, and six hours of behind-the-wheel time, there is ample opportunity to integrate a more comprehensive bicycle safety component as Utah and other states have done.

The intention of HB 4960 is very simple – to help save lives and prevent bodily harm to bicyclists.

Again, thank you for the opportunity for LMB to testify today.



**MICHIGAN TRAILS &
GREENWAYS ALLIANCE**
PO Box 27187
Lansing, MI 48909
(517) 485-6022
nancy@michigantrails.org
www.michigantrails.org

**MICHIGAN MOUNTAIN
BIKING ASSOCIATION**
PO Box 268
Waterford, MI 48327
(734) 730-0309
execdir@mmba.org
www.MMBA.org

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Vulnerable User Legislation

Give Michigan Road Cyclists a Brake

- Senate Bills **529** and **530** (GEORGE)
- House Bills **4958** (KNOLLENBERG) and **4959** (LELAND)

Action

Michigan bicyclists ask the Governor and Michigan Legislature to:

- Enact the same penalties for any traffic violator who commits a moving violation that injures or kills a bicyclist as for injuring or killing a farm-vehicle operator, i.e.:
 - Imprisonment for not more than one year or a fine of not more than \$1,000.00, or both, for injuring a bicyclist (a misdemeanor).
 - Imprisonment for not more than 15 years or a fine of not more than \$7,500.00, or both, for killing a bicyclist (a felony).

Issue

Rising energy prices and concerns about health, fitness and the environment have increased bicyclists on the roads. Motor vehicles and bicycles must share the road. Motorists' increasingly aggressive driving will only increase bicyclist injuries and deaths.

More bicyclists are reporting "road rage" by motorists. The same penalties should apply to drivers who injure or kill bicyclists as to drivers who injure or kill drivers of similarly slow-moving farm vehicles (who are much less vulnerable than bicyclists).

Convicted drivers can serve as little as days or months for seriously injuring or killing a bicyclist. Judges and prosecutors have few tools for controlling aggressive or reckless drivers. Specific penalties for injuring or killing a bicyclist will deter drivers from endangering bicyclists.

Facts

- 2,084 Michigan bicyclists were involved in motor vehicle crashes, 1,638 were injured and 25 were killed in 2008 alone - eight more than reported in 2007. (Office of Highway Safety Planning)
- Bicyclists have the same rights and responsibilities as drivers but, because they (like farm vehicles) are usually slower than other vehicles, impatient drivers endanger bicyclists lawfully using the roads. This legislation highlights the need for motorists to share the road safely with bicyclists and deters unsafe driving near bicycles.
- The penalties in this legislation give prosecutors and judges additional flexibility in charging and punishing offenders. They are consistent with those established by Public Act No. 103, Public Acts of 2001, for drivers who injure or kill a farm-vehicle operator.

For More Information

To learn more contact LMB Associate Director John Lindenmayer directly at 1-888-642-4537 or jlindenmayer@LMB.org

“MAKING MICHIGAN A BICYCLE FRIENDLY STATE”



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Bicycle Safety in Drivers Ed

Give Michigan Road Cyclists a Brake

- **Senate Bills 531** (GEORGE)
- **House Bill 4960** (LELAND)

Action

Michigan bicyclists ask the Governor and Michigan Legislature to:

- **Require Michigan drivers education to include classroom instruction on the laws pertaining to bicycles and emphasize awareness of the operation of bicycles on the streets, roads, and highways of this state.**

Issue

Drivers and bicyclists are safest when they share the road and follow the same traffic rules. Both have the same rights to be on the road and the same obligations. Drivers and bicyclists should observe speed limits, stop at traffic lights and stop signs, signal when changing lanes, yield the right-of-way where mandated, and maintain safe distances from all vehicles, including bicycles.

However, Michigan's drivers education program does not require new drivers to be educated about bicyclist's rights and responsibilities on the roadways. This leads many incompletely educated motorists to insist incorrectly - and too often violently - that bicyclists belong on sidewalks. Angry motorists regularly threaten cyclists both verbally and physically. Hundreds of Michigan bicyclists are injured or killed each year in automobile/bicycle collisions. Failing to include a bicycle-safety curriculum in the state drivers education program endangers the lives of all roadway users.

Objectives

- To encourage drivers to share the road with bicyclists.
- To reduce car/bicyclist fatalities and injuries through bicycle-awareness training for new drivers.
- To improve new drivers' understanding of safe bicycling and bicyclists' legal right to use Michigan roads.

Facts

- Every year, crashes with motor vehicles kill hundreds of bicyclists on America's roadways and injure thousands more.
- 2,084 Michigan bicyclists were involved in motor vehicle crashes, 1,638 were injured and 25 were killed in 2008 alone - eight more than reported in 2007. (Office of Highway Safety Planning)
- Drivers education and training can significantly reduce common, dangerous driver errors.
- Michigan has over seven million licensed drivers.
- Michigan requires no drivers education for drivers 18 or older.
- Driving tests are not administered by the Department of State, but by private third-parties.
- Michigan's Graduated Driver Licensing program does require drivers under age 18 to complete 24 hours of in-class instruction, six hours of behind-the-wheel instruction, and four hours of observation. This provides ample time for instruction in bicycle safety and sharing Michigan's roadways safely with bicyclists.

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